REMARKS

Claims 1-24 were pending in this application.

Claims 1, 6, 7, 12, 13 and 19 have been rejected.

Claims 2-5, 8-11, 14-18 and 20-24 have been objected to.

No claims have been amended in this Response.

Claims 1-24 remain pending in this application.

Reconsideration of Claims 1-24 is respectfully requested.

II.   ALLOWABLE SUBJECT MATTER

The Applicant thanks the Examiner for the indication in section 6 of the Office Action that

Claims 2-5, 8-11, 14-18 and 20-24 would be allowable if rewritten in independent form. However,

because the Applicant believes that Claims 2-5, 8-11, 14-18 and 20-24 depend from an allowable

base claim, as described below, the Applicant has not rewritten Claims 2-5, 8-11, 14-18 and 20-24 in

independent form.

II.   REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 6, 7, 12, 13 and 19 under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent No. 5,664,227 to Mauldin et al. ("*Mauldin*"). This rejection is

respectfully traversed.

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In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the

reasonable expectation of success must both be found in the prior art, and not based on the

applicant's disclosure. MPEP § 2142.

Regarding the modified *Mauldin* reference, the Office Action fails to show that all elements

of the claims are disclosed, taught, or suggested in the cited references.

Claim 1 recites:

1.   (Previously Presented) For use in an information processing system, an apparatus for automatically classifying video signals comprising:
        a keyframe classifier for segmenting the video signals into an initial set of one or more story segments; and
        a text classifier controller adapted for providing multiple classifications of text, said text classifier reading text having at least one keyword contained within at least one of the story segments, and being adapted for identifying keywords within each line of said text, and, in response to identifying at least one of said keywords within a line of text, classifying said line of text as a part of one or more classifications of said video signals that have been segmented into said at least one story segment. (*emphasis added*)

The claim recites the limitation that the apparatus for automatically classifying video signals, having

identified at least one keyword within a line of text, classifies that line of text. The *Mauldin*

reference fails to disclose, teach, or suggest classifying a line of text in response to identifying at

least one keyword within the line of text.

The *Mauldin* reference describes a system and method for independently skimming audio and

digital data based in the information content of the data. *Mauldin, col. 1, lines 15-17*. The video

data is segmented into paragraphs based upon content. *Mauldin, col. 5, lines 19-22*. The audio data

is transcribed and keywords identified within the transcribed data. *Mauldin, col. 7, lines 24-26 and

33-34*. The TF-IDF process, used for identifying keywords, assigns weights to terms based upon the

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frequency with which those terms appear in the audio corresponding to a video paragraph. *Mauldin, col. 8, lines 8-10.* The audio track is then combined with its corresponding video segment to produce the skim output of the *Mauldin* system. *Mauldin, col. 8, lines 31-37.* Thus, the *Mauldin* reference clearly teaches a system that identifies keywords within a video paragraph, or segment, and classifies a segment according to the keywords found within the segment.

In distinct contrast, Claim 1 recites an apparatus that segments video signals into story segments, identifies keywords within each line of text within at least one of the story segments, and classifies the line of text as a part of one or more classifications of the segmented video signals. Therefore, the *Mauldin* reference does not disclose, suggest or hint at all the claim limitations of independent Claim 1. As such, a *prima facie* case of obviousness has not been established and the Applicants respectfully submit that Claim 1 is patentable over the *Mauldin* reference. Claim 6 depends from Claim 1, contains the limitations of Claim 1 and is, therefore, also patentable over the *Mauldin* reference. Independent Claims 7, 13 and 19 (and Claim 12, depending from Claim 7) recite analogous limitations to Claim 1 and are, therefore, also patentable over the *Mauldin* reference.

Additionally, the Office Action fails to show why a person of ordinary skill in the art would modify the *Mauldin* system for producing skimmed audio and video data. The Applicants are unable to find in the *Mauldin* reference any suggestion of a disadvantage that would be overcome by the use of the techniques of the Applicants' invention. Such teaching is instead found in the Applicants' Specification, in the Background of the Invention.

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The Applicants respectfully assert that the Examiner has proposed no motivation to modify the teachings of the *Mauldin* reference. The July 27, 2004, Office Action asserts in the last five lines of Page 4:

> [I]t would have been obvious to the person having ordinary skill in the art at the time of the invention was made to include the identifying and classifying keywords "from within each line of text" in the system of *Mauldin* to identify keywords from each line of text. Because text classifier parses each line of text to identify keyword for every single line.

Further, the Applicants respectfully assert that the Examiner has inappropriately applied hindsight when proposing the modification of the *Mauldin* reference in order to arrive at the claimed invention recited in independent Claim 1. The teaching of classifying a line of text in response to identifying at least one keyword within the line comes from the Applicant's patent application, not from the *Mauldin* reference or the knowledge generally available to one of ordinary skill in the art. As such, a *prima facie* case of obviousness has not been established.

For these reasons, the Applicants respectfully request that the rejection of Claims 1, 6, 7, 12, 13 and 19 under 35 U.S.C. § 103(a) be withdrawn and that Claims 1-24 be passed to allowance.

VII. CONCLUSION

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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